

Report on the

Alabama Plumbers and Gas Fitters Examining Board

Birmingham, Alabama



Department of Examiners of Public Accounts

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September 23, 2015

Senator Paul Bussman
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Bussman,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Plumbers and Gas Fitters Examining Board in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Plumbers and Gas Fitters Examining Board, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiner
Daniel Dupree

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PROFILE

Purpose/Authority

The Plumbers Examining Board was created by Act 1949-529, and was renamed the Plumbers and Gas Fitters Examining Board by Act 1987-812. The Board licenses and regulates plumbers, gas fitters, and medical gas piping fitters. The Board operates under the authority of the ***Code of Alabama 1975***, Sections 34-37-1 through 34-37-18.

The following Legislative Acts were passed since the last sunset review of this agency:

Act 2012-101: Continued the existence and functioning of the Board; amended Section 34-37-1 to authorize board members to remain in office until new members are appointed and qualified.

Act 2015-496: Effective September 1, 2015, amends the Board's statutes relating to the regulation of plumbers and gasfitters to provide for the following:

- Changes to defined terms.
- Changes to prohibited activities and the disciplinary powers of the Board.
- Provide for the registration of individuals and entities.
- Provide for inactive status of certified and registered individuals.
- Provide fees for reciprocal agreements
- Changes the disposition funds remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous from being transferred to the General Fund to being transferred to the Alabama Home Builders Foundation.
- Added language to authorize the Board "to expend funds for purposes of public awareness of the board and its rules and regulations to include advertising, promotional materials, event exhibiting, and other means approved by the board.
- Repeal Sections 34-37-10 and 34-37-13 relating to records of the board and confidentiality of records.

The Act is included in the appendices of this report.

<u>Characteristics</u>	
Members and Selection	Seven members appointed by the Governor and confirmed by the Senate. <i>Code of Alabama 1975</i> , Section 34-37-3
Term	The Governor designates the length of term for each member not to exceed four years. Members serve until their successors are appointed and qualified. <i>Code of Alabama 1975</i> , Section 34-37-3

Qualifications	<p>The Board is composed as follows:</p> <ul style="list-style-type: none"> • One Master Plumber • One Journeyman Plumber • One Registered Professional Engineer • One Municipal or County Building Official • One Master Gas Fitter • One Journeyman Gas Fitter • One Member from the public at large <p>Each member of the board must be a citizen of the state.</p> <p><i>Code of Alabama 1975, Section 34-37-3</i></p>
Racial Representation	<p>No specific statutory requirement.</p> <p>Two minority members serving.</p>
Geographical Representation	<p>No statutory requirement.</p>
Consumer Representation	<p>One member representing the public at large who must not be engaged or otherwise connected to the plumbing or gas industry or the installation of plumbing or gas work nor connected with any person, firm, or corporation handling or dealing in material, fixtures, or appliances connected with plumbing or gas work.</p> <p><i>Code of Alabama 1975, Section 34-37-3</i></p>
Other Representation	<p>The membership of the Board shall be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975, Section 34-37-3</i></p>
Compensation	<p>Board members receive \$200 per day for each day spent in active service for the board. Members are reimbursed for necessary travel expenses at the same rate as state employees.</p> <p><i>Code of Alabama 1975, Section 34-37-4</i></p>

Licenseses	<p>Licenseses as of July 13, 2015</p> <table border="1" data-bbox="488 237 1427 541"> <tr> <td>Apprentice</td><td>4,463</td></tr> <tr> <td>Journeyman Gas Fitter</td><td>849</td></tr> <tr> <td>Journeyman Plumber</td><td>1,329</td></tr> <tr> <td>Journeyman Plumber & Gas Fitter</td><td>853</td></tr> <tr> <td>Master Gas Fitter</td><td>865</td></tr> <tr> <td>Master Plumber</td><td>1,891</td></tr> <tr> <td>Master Plumber & Gas Fitter</td><td>2,181</td></tr> <tr> <td>Total Licensee</td><td>12,431</td></tr> </table> <p>Note: Of the above licenseses, 149 are also certified for medical gas.</p>	Apprentice	4,463	Journeyman Gas Fitter	849	Journeyman Plumber	1,329	Journeyman Plumber & Gas Fitter	853	Master Gas Fitter	865	Master Plumber	1,891	Master Plumber & Gas Fitter	2,181	Total Licensee	12,431
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Total Licensee	12,431																
Licensee Demographics	Data not collected by the Board.																
Reciprocity	<p>The Board’s statutes allow the Board to establish reciprocal agreements with any other state licensing or certifying board which meets the minimum standards prescribed by the Board; however, the Board does not currently have any state specific agreements and does not issue licenses via reciprocity.</p> <p><i>Code of Alabama 1975</i>, Section 34-37-11</p>																
Renewals	<p>All licenses expire on December 31 of the year in which they are issued. Online renewal is available.</p> <p><i>Code of Alabama 1975</i>, Section 34-37-9</p>																
Continuing Education	No statutory requirement																
Employees	17																
Immigration	<p>E-Verify – Compliant SAVE – Compliant</p>																
Legal Counsel	Joy Whatley, an employee of the Board, provides legal counsel.																
Subpoena Power	<p>The Board has the power to administer oaths, issue subpoenas, and compel the attendance of witnesses.</p> <p><i>Code of Alabama 1975</i>, Section 34-37-12</p>																

Internet Presence	http://www.pgfb.state.al.us/ Information available includes: <ul style="list-style-type: none"> • Contact information • List of fees • Online renewals • Licensee search • Application forms • Consumer complaint form • Board news and minutes • Law and rules • Recent disciplinary actions
Attended Board Member Training	Attended during the past four years: <ul style="list-style-type: none"> • Five board members • Executive Director
<u>Financial</u>	
Source of Funds	Licensing fees and penalties
State Treasury	Yes, Special Revenue Fund 0358 <i>Code of Alabama 1975</i> , Section 34-37-5
Required Distributions	None
Unused Funds	Any funds unspent and unencumbered at the end of each fiscal year that exceed 25 percent of the board's budget for the previous fiscal year shall be transferred to the State General Fund. Any funds that do not exceed 25 percent are retained. Act 2015-496, effective September 1, 2015 amended the Board's statutes to transfer all money remaining at the end of the fiscal year which exceeds 25 percent of the Board's budget for the previous year to the 501(c) nonprofit Alabama Home Builders Foundation to be used exclusively for classroom training tools at educational facilities that provide plumbing and gas fitting curriculums. <i>Code of Alabama 1975</i> , 34-37-5

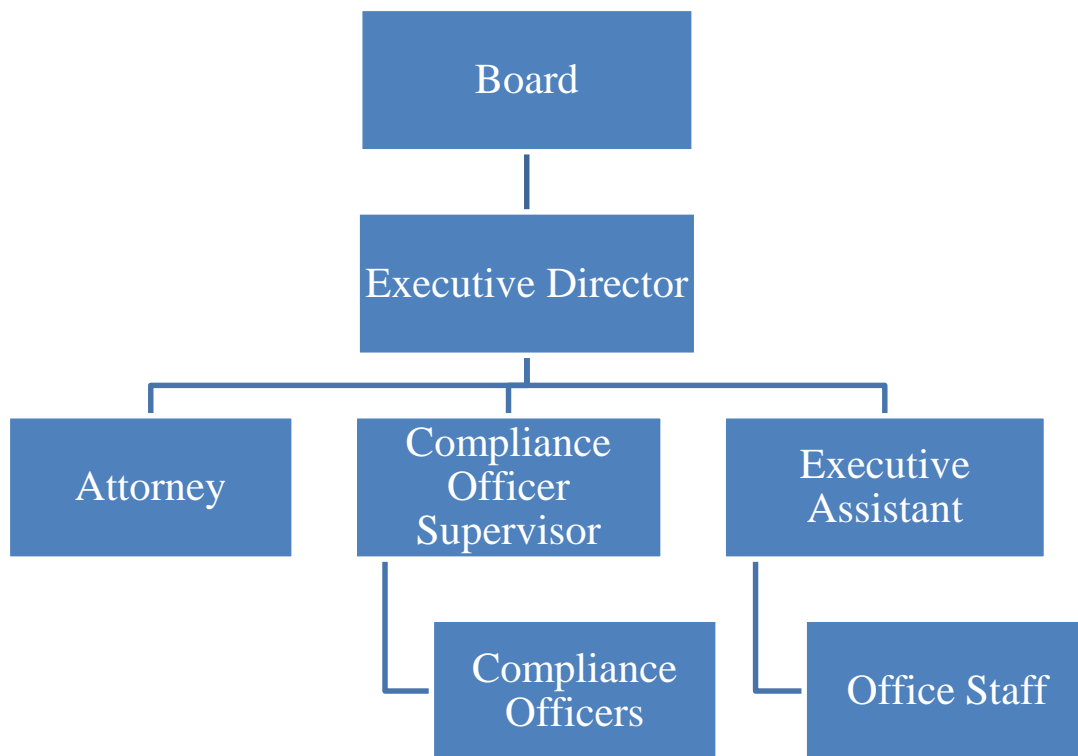
SIGNIFICANT ISSUES

No current significant issues.

STATUS OF PRIOR FINDINGS

All prior findings/issues have been resolved.

ORGANIZATION



PERSONNEL

	#	W/M	B/F	W/F	Salary or Salary Range	Vehicle Assigned
Executive Director	1	1			88,543.20	1
ASA II	2		2		26,464.80 – 34,735.20	
ASA III	2		1	1	27,806.40 – 36,489.60	
Accounting Technician	1		1		31,488.00	
Executive Assistant III	1		1		47,757.60	1
Attorney	1			1	65,690.40	1
Compliance Officer Supervisor	2	2			56,685.60	2
Compliance Officer	7	7			32,287.20 – 50,119.20	7
Total	17	10	5	2		12

W/M=white male, B/F=black female, W/F=white female

Legal Counsel

Joy Whatley, an employee of the board, provides legal counsel.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 740

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,849,377	12,431	390
Florida	19,893,297	**	**
Georgia	10,097,343	5,914 ⁽¹⁾	1,707
Mississippi	2,994,079	**	**
Tennessee	6,549,352	2,087 ⁽²⁾	3,138
*Source: U.S. Census, July 1, 2014 Population Estimates			
**Licensee information was not available.			
⁽¹⁾ Master Plumber (Restricted and Non Restricted), Journeyman Plumber only			
⁽²⁾ Limited liability plumbers licenses only			

Operating Disbursements per Licensee - \$130.77 for Fiscal year 2014

Fines/Penalties as a % of Operating Receipts – 8.86% for Fiscal year 2014

Notification of Board decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

Inspections

The Board routinely inspects job sites to determine if persons actively engaged in the practice of plumbing and/or gas fitting are properly registered, certified, and supervised. If violations are observed the compliance officers issue a Notice of Violation. As of March 1, 2015, each compliance officer is required to conduct at least six on-site inspections per week.

Violation	FY 2012	FY 2013	FY 2014
No certified Master Gas Fitter	-	1	2
No certified Master Plumber	5	31	9
Wrongful use of certificate	1	5	3
No certificate	134	77	121
Apprentice working without supervision	18	32	17
Master Plumber supervising worker who has no certificate	85	51	40
Master Gas Fitter supervising worker who has no certificate	3	3	2
Person not in possession of certificate	1	-	-
Allowing someone else to use certificate	-	2	-
Failure to purchase surety bond	-	71	16
Failure to update business information	-	2	6
Total	247	275	216

COMPLAINT HANDLING

Initial Contact/Documentation	Complaints accepted by mail, fax, or email. Complaints can be brought by board members. The Board has an official complaint form available on its website, the form is required to be used in filing a complaint. Complaints must be signed, but are not required to be notarized. Complainants are notified by mail that their complaint was received.
Anonymous Complaints Accepted	No
Negotiated Settlements	Yes
Notification of Resolution to the Complainant	Complainants are notified of the Board's resolution of the complaint by mail.

	Schedule of Complaint Resolution Fiscal Years 2011 through 2015					
	Year / Number Resolved					Pending
Year/Number Received	2011	2012	2013	2014	2015	
2011 / 32	30	2				
2012 / 31		18	13			
2013 / 13			8	5		
2014 / 31				16	4	11
2015 / 15*					7	8
* As of 6-24-2015						
Source: Executive Director						

Average Time to Resolve Complaints – 82 days

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

There is no specific regulation of the Board's certificate holders by any other agency; however, any certified plumber or gas fitter who performs work as a general contractor or subcontractor, as defined in the *Code of Alabama 1975*, Sections 34-8-1 through 34-8-28, must obtain a general contractor's or subcontractor's license from the Board of Licensure for General Contractors.

FINANCIAL INFORMATION

Source of funds

The Board's operating funds consist of licensing fees and penalties.

Funds/Accounts

The Board operates through the State Treasury (Fund 0358), authorized by the *Code of Alabama 1975*, Section 34-37-5.

Required Transfers

Any funds unspent and unencumbered at the end of each fiscal year that exceed 25 percent of the board's budget for the previous fiscal year shall be transferred to the State General Fund." Year-end funds did not exceed 25 percent in any of the previous four years (*Code of Alabama 1975*, 34-37-5).

Act 2015-496, effective September 1, 2015, amended Section 34-37-5 to transfer all money remaining at the end of the fiscal year which exceeds 25 percent of the Board's budget for the previous year to the 501(c) nonprofit Alabama Home Builders Foundation to be used exclusively for classroom training tools at educational facilities that provide plumbing and gas fitting curriculums to include any program approved or accredited by the State of Alabama, the United States federal government, or the board. If at any time the Alabama Home Builders Foundation should lose its nonprofit status, those funds shall be transferred to the State General Fund.

Schedule of Fees

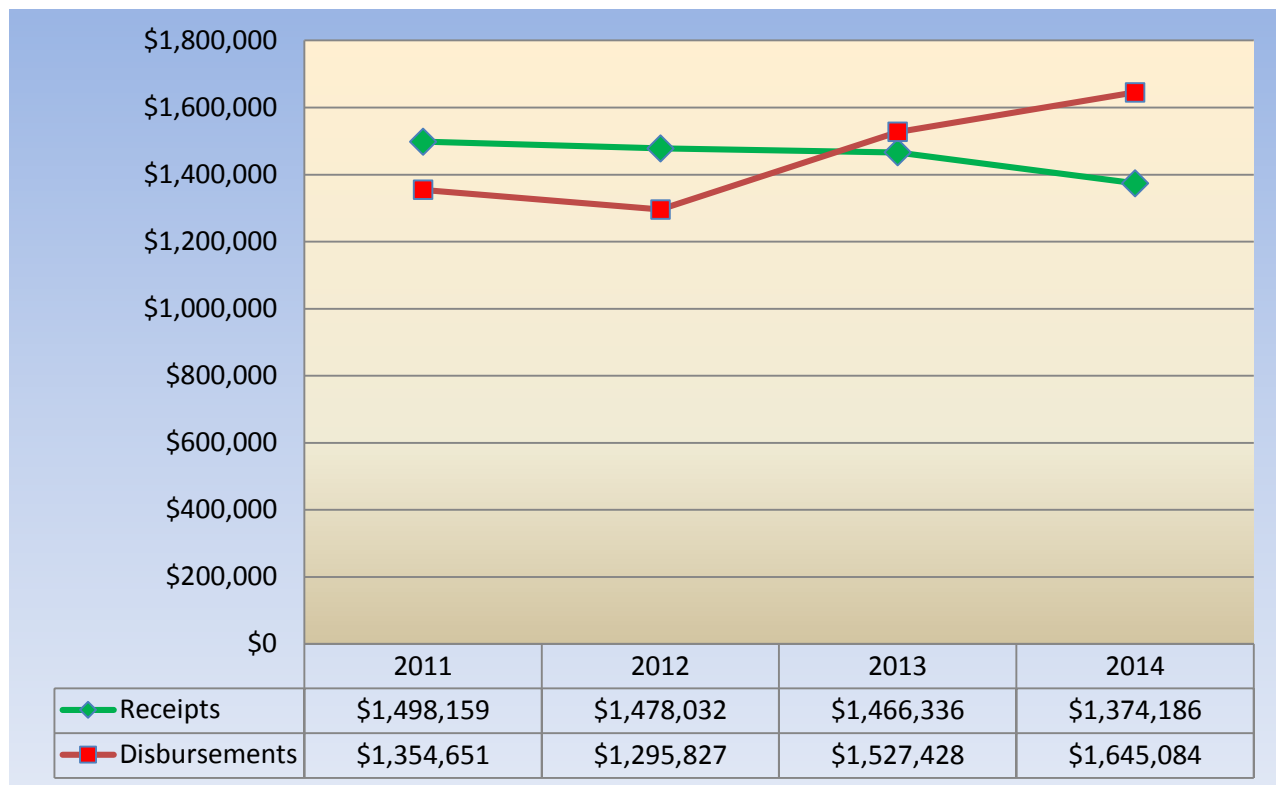
Fee Type/ Purpose	Statutory Authority	Rule	Amount Authorized	Amount Collected
Apprentice Registration / Renewal	34-37-9	720-X-4	\$25.00	\$25.00
Journeyman Plumber Exam	34-37-9	720-X-4	\$110.00	\$110.00
Journeyman Plumber Renewal	34-37-9	720-X-4	\$50.00	\$50.00
Journeyman Gas Fitter Exam	34-37-9	720-X-4	\$110.00	\$110.00
Journeyman Gas Fitter Renewal	34-37-9	720-X-4	\$50.00	\$50.00
Temporary Journeyman Plumber/Gas Fitter	34-37-10	720-X-4	½ renewal	\$25.00
Master Plumber Exam	34-37-9	720-X-4	\$160.00	\$160.00
Master Plumber Renewal	34-37-9	720-X-4	\$150.00	\$150.00
Master Gas Fitter Exam	34-37-9	720-X-4	\$160.00	\$160.00
Master Gas Fitter Renewal	34-37-9	720-X-4	\$150.00	\$150.00
Medical Gas Certification	34-37-9	720-X-4	\$25.00	\$25.00
Replacement Card	34-37-9	720-X-4	\$25.00	\$25.00
Bad Check Fee	8-8-15	720-X-16	\$30.00	\$30.00

Schedule of Receipts, Disbursements and Balances

October 1, 2010 through September 30, 2014

	2013-2014	2012-2013	2011-2012	2010-2011
<u>Receipts</u>				
License and Permit Fees	\$ 1,180,195.00	\$1,218,960.00	\$ 1,298,864.00	\$ 1,306,447.00
Examination Fees	68,970.00	99,310.00	98,885.00	111,620.00
Miscellaneous Fees Not Classified	70.76	6,792.87	1,473.33	266.70
Professional/Occupational Penalties	121,780.00	125,040.00	76,670.00	79,075.00
Bad Check Fees	510.00	540.00	950.00	750.00
Salvaged Equipment	2,660.00	15,693.22	1,190.00	-
Total	1,374,185.76	1,466,336.09	1,478,032.33	1,498,158.70
<u>Disbursements</u>				
Personnel Costs	752,798.71	631,591.96	703,266.69	727,954.36
Employee Benefits	314,870.65	239,612.87	239,962.06	302,613.43
Travel In State	49,613.43	39,573.92	22,723.14	17,697.57
Travel Out of State	30,799.96	6,148.06	-	1,326.53
Repairs and Maintenance	1,531.95	539.33	399.00	216.89
Rentals and Leases	58,397.17	63,522.28	51,170.40	47,344.40
Utilities and Communications	54,303.84	44,320.30	46,812.23	54,372.03
Professional Services	152,384.70	88,671.12	97,157.27	80,753.04
Supplies, Materials, and Op Expenses	105,172.19	64,124.26	45,949.19	44,714.41
Transportation Equipment Operation	69,217.32	64,368.64	76,831.49	66,006.86
Transportation Equipment Purchases	20,000.00	280,239.12	-	-
Other Equipment Purchases	35,994.11	4,716.58	11,556.00	11,651.00
Total	1,645,084.03	1,527,428.44	1,295,827.47	1,354,650.52
Excess (Deficiency) of Receipts over Disbursements	(270,898.27)	(61,092.35)	182,204.86	143,508.18
Cash Balances at Beginning of Year	635,673.82	696,766.17	514,561.31	371,053.13
Cash Balances at End of Year	364,775.55	635,673.82	696,766.17	514,561.31
Reserved for Unpaid Obligations	(68,977.69)	(213,402.56)	(213,626.83)	(55,814.40)
Unreserved Cash Balances at end of Year	\$ 295,797.86	\$ 422,271.26	\$ 483,139.34	\$ 458,746.91

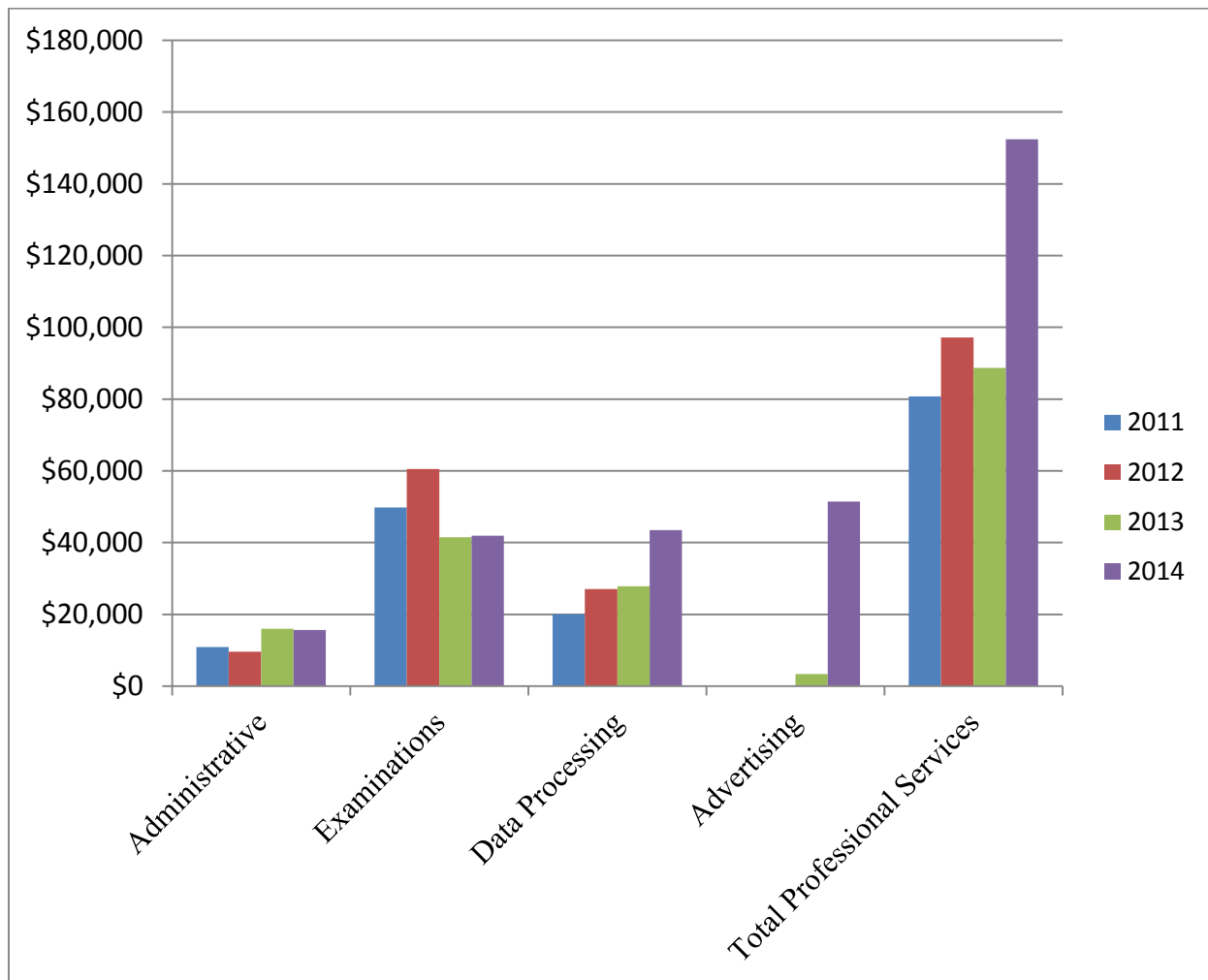
Operating Receipts vs. Operating Disbursements (Chart)



SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS* October 1, 2010 through September 30, 2014				
Type Service	FY 2011	FY 2012	FY 2013	FY 2014
Administrative	\$ 10,858.00	\$ 9,607.47	\$ 16,015.75	\$ 15,615.60
Examinations	49,810.00	60,510.00	41,470.00	41,896.00
Data Processing	20,010.04	27,039.80	27,837.38	43,442.11
Advertising	75.00	.00	3,347.99	51,430.99
Total	\$ 80,753.04	\$ 97,157.27	\$ 88,671.12	\$ 152,384.70

* A detailed schedule of professional service disbursements by vendor is continued in the appendices of this report.

Professional Service Disbursement Chart



QUESTIONNAIRES

Board Member Questionnaire

Surveys were sent to all 7 members of the Plumbers and Gas Fitters Examining Board of which 5 responded. The percentages shown are based on the number who responded to the question.

1. What are the most significant issues currently facing the Alabama Plumbers and Gas Fitters Examining Board and how is the Board addressing these issues?

Member 1 – “Educating our consumers and industry.”

Member 2 – “Quality tradesmen throughout the state, young people do not want to get into the trade unless it is a last option. The board is aggressively training and teaching throughout the State as well as continually looking at ways to assist people in obtaining journeyman status so that pay can increase in the field they currently work in.”

Member 3 – “Getting education for plumbers so they can get certifications. We are working with various agencies to provide classes.”

Member 4 – “Training programs for the clients we serve.”

Member 5 – “I would like to go back to the time this board was appointed. Initially we saw the need to improve the image of this board to the plumbing contractors and consumers we serve, as well as other State Regulatory agencies. We have been able to do this by having a board that is diverse in the membership. This agency went to online testing in 2014. This allowed more flexibility in the delivery of the exams by having 4 testing sites located in or near Birmingham, Decatur, Mobile and Montgomery.”

2. What, if any, changes to the Board’s laws are needed?

Member 1 – “Needed changes to the law have been met”

Member 2 – “The board has spent the last 2-1/2 years revamping our law which just passed legislation. Rules will be looked at over the next few months.”

Member 3 – “We just had our law revised so we are good now.”

Member 4 – “Currently there are none that I am aware of.”

Member 5 – “Good question in that this board saw the need for changes in the current law. This board started these changes three years ago. Those changes were approved by the legislature in the regular session, this year and signed by Governor Bentley.”

3. Is the Board adequately funded?

Yes

5

100%

Member 5 – “However the new STARS system is being required and this agency is having to pay approximately \$12,000 per quarter. It is difficult for state agencies to cut budgets when in fact they are required to pay for a system that is to my knowledge not totally operational.”

Board Member Questionnaire

4. Is the Board adequately staffed?

Yes	5	100%
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5. Does the Board receive regular reports on the operations of the Board from the Executive Director?

Yes	5	100%
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Member 1 – “The Executive Director does an exemplary job of keeping us up to date.”

Member 5 – “The Executive Director does an "Excellent" job of keeping the members informed.”

6. Are you satisfied with the reports the Board receives from the Executive Director?

Yes	5	100%
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Member 5 – “Very much so.”

7. Has the Board experienced any recent significant changes to its operations?

Yes	2	40%
No	3	60%

Member 1 – “We have tightened our belts. We have had some employees to retire and we have not replaced them. Our compliance officers are required to make six random full inspections per week besides their normal consumer protection services.”

Member 5 – “The addition of a staff attorney. This has allowed for more efficiency in the day to day operation.”

8. What, if any, changes does the Board plan to make to its operations?

Member 1 – “We are currently working and partnering with industry to further education for our licensed contractors as well as educational programs in our high schools.”

Member 3 – “None at this time.”

Member 4 – “None that I am currently aware of.”

Member 5 – “There is a need for continuing education training to those this board certifies. Public relations with high school counselors in presenting the plumbing and gas crafts in a positive manner to enlist young individuals to enter this field where there is a shortage in the workforce of this state.”

Did Not Respond	1
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Licensee Questionnaire

Surveys were sent to 100 licensees of whom 13 responded. The percentages shown are based on the number who responded to the question.

1. Do you think regulation of your profession by the Alabama Plumbers and Gas Fitters Examining Board is necessary to protect public welfare?

Yes	12	92%
No	1	8%

Respondent 2 – “Yes. It keeps people safe from harm and fraud.”

Respondent 3 – “Yes, as before the board was in place there were some very shabby plumbing happening.”

Respondent 7 – “Yes. Just went to a business the other day where a landlord has his own handyman. They had a leaking temperature & pressure control valve on a water heater the handyman had plugged it off. I was simply called about a leaking toilet by the tenants. The pressure had built up and was leaking by the fill valve. I see to many things like this.”

Respondent 10 – “Yes. More strict regulation should be enforced to installing gas fitters.”

2. Do you think any of the Board’s requirements are irrelevant to the competent practice of your profession?

Yes	3	23%
No	9	69%
No Opinion	1	8%

Respondent 3 – “No. The requirements protect our trade from out of state companies taking our business and the general public from fraud.”

Respondent 6 – “Yes. I think there should be a lesser requirement for Journeyman Plumbers working residential. It is very rare for college grads to seek out a job for a company that primarily does residential plumbing. We have some that have graduated high school or have a GED and many that did not finish school at all. With that in mind, the current test is very difficult for them to pass. Journeyman plumbers are very hard to find and with business booming again, we aren't able to keep up with demand. I have spoken to several other plumbing contractors in Madison County who are having the same issues. If there were a separate classification for a residential Journeyman license with a more basic test, this would allow for us to have more plumbers in the field. I believe this would also allow for additional revenue for the state with the additional licenses which should be the same cost as the current Journeyman cards.”

3. How are you informed by the Board of changes to and interpretations of the Board’s positions, policies, rules and laws?

Respondent 1 – “By mail”

Respondent 2 – “Not very. It's rare to hear about any changes until they have already happened.”

Respondent 3 – “Usually by mailer, website and interaction with compliance officer. The officers do random visits and share new policies with us. And are very informative about the state of the trade.”

Respondent 4 – “NONE”

Respondent 5 – “Internet”

Respondent 6 – “By letter or memo”

Respondent 7 – “Via mail”

Respondent 8 – “Mail”

Respondent 9 – “Mail”

Respondent 10 – “Through board literature mailings”

Respondent 12 – “I have never received anything.”

Respondent 13 – “I'm not.”

Did Not Respond 1

4. Has the Board performed your licensing and renewal in a timely manner?

Yes **13** **100%**

Respondent 2 – “Always”

Respondent 3 – “Very convenient, and always very helpful.”

5. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?

Respondent 2 – “The most to me is illegal immigrants not testing but still working without a license.”

Respondent 3 – “Lack of qualified plumbers. The board has recently started education classes. The state of the profession is lacking tradesmen. This will be bad for the consumer in the next 10 years. The board is trying to promote the trade.”

Respondent 4 – “Plumbing companies employing and putting jobs apprentice plumbers to run a job with dozens of other apprentices. So far I have seen the board do nothing about this.”

Respondent 5 – “N/A”

Respondent 6 – “See comments on #2. At a minimum, I would like to see the board providing more frequent education opportunities for those seeking to become Journeyman plumbers. I would like to see the education more in depth to assist in being able to pass the tests. I would also like to see additional help for Hispanic speaking workers.”

Respondent 7 – “Unlicensed people doing plumbing work. The board has proposed some changes which I think are good. However they may need someone to just go after unlicensed individuals and more power to fight this problem. This problem exist right in the open, online, Home Depot & Lowes it's no problem to find them. Also companies

Licensee Questionnaire

going into towns where they're not licensed. Handymen are part of the problem they advertise online for all kinds of plumbing work without a plumbing license. Maybe using a house to call these individuals to do work setup as a sting operation would help to fix these problems."

Respondent 8 – "Inspectors enforcing codes, lack of respect. I don't know."

Respondent 10 – "Nonqualified installers and lack of teaching assistance."

Respondent 12 – "Big box stores like Lowe's and Home Depot sell to anyone."

Did Not Respond

4

- 6. Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?**

No

13

100%

Respondent 2 – "Never!"

Complainant Questionnaire

Surveys were sent to 32 complainants of whom 10 responded. The percentages shown are based on the number who responded to the question.

1. How was your complaint filed with the Alabama Plumbers and Gas Fitters Examining Board?

Mail	6	60%
Phone	1	10%
Fax	2	20%
Other	1	10%

Respondent 3 – “I called first and then faxed in the document.”

Respondent 6 – “My complaint was filed via the internet”

Respondent 10 – “The staff is courteous, responsive and timely.”

2. Was receipt of your complaint acknowledged?

Yes	10	100%
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Respondent 8 – “The response was timely and effective.”

Respondent 10 – “The local investigator was prompt, attempted to meet with the offending contractor and talked with us. The offending contractor was subsequently arrested for builder's fraud and plumbing without a license.”

3. If your answer to Question 2 was “YES”, how long after you filed your complaint were you contacted by the Board?

Immediately	2	22%
Within 10 days	4	45%
Within 30 days	2	22%
More than 30 days	1	11%

Did Not Respond 1

4. Was the Board employee who responded to your complaint knowledgeable and courteous?

Both	8	80%
Unknown	2	20%

Respondent 2 – “Unknown. The lady board employee responded with courtesy, but the gentleman seemed to question everything. They acted like they did not know that tank less water heater coils need to be cleaned once a year. Ours had been cleaned, but we

Complainant Questionnaire

were not informed by [REDACTED] to do that. We did so at the advice of a neighbor. [REDACTED] did not give us any paperwork on maintenance of the unit. I don't want that to happen to another customer. There was a code 11 error reported by the [REDACTED] Representative who checked the unit. Indicated it was starving for gas. Should have never been installed unless it was done right.”

Respondent 10 – “We cannot say enough positive things about [REDACTED]. Throughout the process, which is still on-going, [REDACTED] is the consummate professional.”

5. Did the Board communicate the results of investigating your complaint to you?

Yes	9	90%
No	1	10%

Respondent 2 – “Yes. We received a letter stating that [REDACTED] was cleared of any wrong in the installation. We just hope they are not still selling those water heaters without being fair to their customers. If it was a matter of the pipes being too small, they should have been up front about it and we would not have purchased it.”

Respondent 10 – “Yes. The board had the offending contractor arrested and charged with builder's fraud and plumbing without a license.”

6. Do you think the Board did everything it could to resolve your complaint?

Yes	4	40%
No	2	20%
Unknown	4	40%

Respondent 3 – “No. There was no follow up done to ensure my issue was resolved. It is still not resolved two years later. I do think the contractor was fined by the board but that did nothing to help me.”

Respondent 6 – “Unknown. Based on the information I provided to the board, telling them that I am a disabled 90 yr. old senior. All I was told was that it was outside of their jurisdiction. I felt like they could have pointed me in the right direction, and who I needed to file a complaint in order to be refunded some of my money.”

Respondent 7 – “No. Response was in re to individual's job qualifications. My complaint was in re to individual's character in pursuing his profession.”

Respondent 10 – “Unknown. The complaint is on-going and has yet to be resolved because the case has been delayed multiple times.”

7. Were you satisfied with your dealings with the Alabama Board?

Yes	6	60%
No	2	20%
Unknown	1	10%
No Opinion	1	10%

Complainant Questionnaire

Respondent 1 – “Yes. Very professional, and very responsive.”

Respondent 3 – “Unknown. Very satisfied with person who worked the compliant. Wish there was more follow through to ensure contractor was held accountable.”

Respondent 7 – “No. See above”

Respondent 8 – “Yes. The result was excellent. I wish it had been easier to see the final report which I was never able to see. However [REDACTED] did refund all of my money. Thank you.”

Respondent 10 – “Yes. The Board and the investigator have displayed concern about this case and it is my understanding they aggressively pursue offending purported contractors. Aggressive Board investigations and prosecution of contractors who advertise themselves as licensed remains the citizen's only defense against criminal behavior by purported licensed contractors. Thank you for your diligence and concern.”

APPENDICES

Professional Services by Vendor

Vendor	2011	2012	2013	2014	Total
AL Assoc. of Regulatory Boards					
Education/Training Consultants	1,600.00	1,200.00	-	2,150.00	
Total					\$4,950.00
AL Assoc. of Plumbing, Gas					
Advertising	-	-	999.99	998.00	
Education/Training Consultants	805.00	805.00	1,040.00	1,200.00	
Total					\$5,847.99
AL State Bldg. and Const.					
Education/Training Consultants	900.00	-	-	-	
Total					\$ 900.00
Alabama Media Group					
Advertising	-	-	-	924.00	
Total					\$ 924.00
Arthur P McLamb					
Education/Training Consultants	-	-	150.00	-	
Total					\$ 150.00
Attorney General's Office					
Legal	585.00	1,020.00	1,800.00	-	
Total					\$3,405.00
Auburn Univ. of Montgomery					
Education/Training Consultants	-	-	-	495.00	
Total					\$ 495.00
Code Officials Assoc. of Alabama					
Education/Training Consultants	1,260.00	1,890.00	1,680.00	2,310.00	
Total					\$7,140.00
Construction Ed. Fdn. of Alabama					
Advertising	-	-	350.00	-	
Total					\$ 350.00

Vendor	2011	2012	2013	2014	Total
Council on Licensure					
Education/Training Consultants	-	-	-	690.00	
Total					\$ 690.00
Cullman Times					
Advertising	-	-	-	999.00	
Total					\$ 999.00
Department of Finance					
Data Processing	3,888.27	4,899.24	5,730.09	9,929.87	
Mailing Services	-	-	-	543.96	
FRMS Services	3,636.77	3,770.56	5,183.54	6,120.68	
Finance & IT Planning/Oversight	1,020.00	850.00	840.00	1,027.50	
Comptroller Services	-	-	-	6,538.75	
Total					\$53,979.23
Dept of Homeland Security					
Information and Research	-	-	-	75.00	
Total					\$ 75.00
DSD Laboratories					
FRMS Services	5,625.00	-	-	-	
Total					\$ 5,625.00
East Alabama Code Officials					
Education/Training Consultants	-	-	65.00	-	
Total					\$ 65.00
Fed. of Assoc. of Regulatory Boards					
Education/Training Consultants	675.00	-	-	-	
Total					\$ 675.00
Henderson and Associates					
Court Reporter Services	-	-	-	500.60	
Total					\$ 500.60

Vendor	2011	2012	2013	2014	Total
Home Builders Assoc. of AL					
Education/Training Consultants	-	-	-	1,350.00	
Advertising	-	-	-	5,000.00	
Total					\$ 6,350.00
Incare Technologies					
Data Processing	-	-	23.75	-	
Total					\$ 23.75
International Code Council					
Education/Training Consultants	-	-	-	1,400.00	
Total					\$ 1,400.00
Kalm Services, LLC					
Data Processing	5,840.00	17,520.00	5,840.00	-	
Total					\$29,200.00
Key Assett Lifecycle Mgmt. Service					
Data Processing	-	-	10,220.00	19,281.35	
Total					\$29,501.35
Legislative Reference Service					
Advertising	75.00	-	-	490.00	
Total					\$ 565.00
Michael M Leonhardi					
Court Services	-	-	5.00	-	
Total					\$ 5.00
Montgomery Advertiser					
Advertising	-	-	-	882.00	
Total					\$ 882.00
Nat. Assoc. of State Contractors Lic. A.					
Education/Training Consultants	-	-	1,980.00	1,485.00	
Total					\$ 3,465.00

Vendor	2011	2012	2013	2014	Total
Newspaper Holding Inc.					
Advertising	-	-	-	999.00	
Total					\$ 999.00
North Alabama Code Officials					
Education/Training Consultants	-	-	100.00	-	
Total					\$ 100.00
OCI South					
Advertising	-	-	-	39,140.00	
Total					\$ 39,140.00
Professional Testing Inc.					
Education/Training Consultants - Exams	49,810.00	60,510.00	41,470.00	19,650.00	
Total					\$171,440.00
PSI Services LLC					
Education/Training Consultants - Exams	-	-	-	22,246.00	
Total					\$ 22,246.00
Randstad North America LP					
Temporary Personnel Services	-	-	2,311.92	-	
Total					\$ 2,311.92
Riverchase Middle School					
Advertising	-	-	999.00	-	
Total					\$ 999.00
Safe Shredding					
Sanitation Services	-	205.47	-	-	
Total					\$ 205.47
South Alabama Code Officials					
Education/Training Consultants	-	-	480.00	-	
Total					\$ 480.00

Vendor	2011	2012	2013	2014	Total
Spherion Staffing					
Temporary Personnel Services	-	-	1,254.83	-	
Total					\$ 1,254.83
St Clair News - Aegis					
Advertising	-	-	-	999.00	
Total					\$ 999.00
State Personnel Department					
Personnel Department Services	5,033.00	4,487.00	4,399.00	3,960.00	
Total					\$17,879.00
The Community Shoppers Guide					
Advertising	-	-	999.00	-	
Total					\$ 999.00
The National Construction					
Education/Training Consultants	-	-	750.00	-	
Total					\$ 750.00
The News Courier					
Advertising	-	-	-	999.99	
Total					\$ 999.99
Annual Totals	<u>80,753.04</u>	<u>97,157.27</u>	<u>88,671.12</u>	<u>152,384.70</u>	

Current Statutes

Section 34-37-1 Definitions.

For purposes of this chapter, the following terms shall have meanings respectively ascribed to them herein unless the context clearly requires a different meaning:

(1) **APPRENTICE GAS FITTER OR PLUMBER.** A person other than a master or journeyman gas fitter or plumber, who is engaged in learning and assisting in the installation of gas pipe, equipment, apparatus, and appliances, and shall work directly under the supervision of a journeyman or master gas fitter or plumber, and who has successfully fulfilled the registration requirements of the board and has been duly registered by the board as such for the current year.

(2) **BOARD.** The Alabama Plumbers and Gas Fitters Examining Board as renamed by this chapter. The board shall examine, certify, and regulate plumbers, gas fitters, and medical gas piping fitters on a statewide basis pursuant to this chapter.

(3) **CERTIFICATION.** The process of testing at the state level to determine the knowledge and skill of an individual with respect to plumbing and gas fitting, and the issuing of certificates to indicate that an individual has passed the examination.

(4) **GAS FITTING, GAS SYSTEMS, or GAS WORK.** The installation, repair of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying natural gas for residential or commercial use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation. This chapter shall not be construed to prevent any contractor certified by the Alabama Board of Heating and Air Conditioning Contractors from installing, replacing, or performing service or repair on natural gas fired air heating/cooling appliances, excluding piping to them provided the installing contractor has a valid certificate issued by the Alabama Board of Heating and Air Conditioning Contractors.

(5) **JOURNEYMAN GAS FITTER.** A person who engages in or works at the actual installation, repair, or replacement of gas work, who has successfully fulfilled the examination requirements of the board, has been issued a journeyman gas fitter certificate by the board, and possesses a valid and current annual certificate issued by the board. The certificate shall be available for inspection on request.

(6) **JOURNEYMAN PLUMBER.** A person who engages in or works at the actual installation, repair, or replacement of plumbing systems, who has successfully fulfilled the examination requirements of the board, has been issued a journeyman plumber certificate by the board, and possesses a valid and current annual certificate issued by the board. The certificate shall be available for inspection on request.

(7) **MASTER GAS FITTER.** Any person engaged in or proposing to engage in the business of contracting to do, or of superintending the installation, maintenance, or repair of gas systems or gas work, either or both. The individual shall qualify to be a certified master gas fitter. If the business be a firm or corporation, at least one active employee of the firm or corporation shall be a duly registered and certified master gas fitter, actively and continuously connected with the conduct of the business. The master gas fitter shall have in his or her possession a current annual certificate issued by the board. The certificate shall be available for inspection on request.

(8) **MASTER PLUMBER.** Any person engaged in or proposing to engage in the business of contracting to do, or of superintending the installation, maintenance, or repair of plumbing, or both. The individual shall qualify to be a certified master plumber. If the business is a firm or corporation, at least one active employee of the firm or corporation shall be a duly registered and certified master plumber, actively, continuously connected with the conduct of the business. The

master plumber shall have in his or her possession a current annual certificate issued by the board. The certificate shall be available for inspection on request.

(9) **MEDICAL GAS PIPING FITTER.** A master plumber or master gas fitter whose certificate bears an endorsement for installation of medical gas piping. A journeyman plumber or journeyman gas fitter whose certificate bears an endorsement for installation of medical gas piping shall be entitled to install medical gas piping under the direction of a master plumber or master gas fitter whose certificate entitles him or her to install medical gas piping. The medical gas piping fitter shall have in his or her possession a current annual certificate with endorsement issued by the board. The certificate shall be available for inspection on request.

(10) **MEDICAL GAS PIPING.** Piping used solely to transport gases used for medical purposes.

(11) **PLUMBING, PLUMBING SYSTEMS, or PLUMBING WORK.** The installation, repair, or replacement of pipes, fixtures, or other apparatus necessary either for supplying water or for removing liquid or waterborne waste. The term is also used to denote installed fixtures, drainage, vents, and water distribution systems.

(Acts 1987, No. 87-812, p. 1616, §1; Acts 1989, No. 89-406, p. 858, §3; Acts 1996, No. 96-795, p. 1496, §1.)

Section 34-37-2 Board renamed; authority expanded.

The Plumbers Examining Board as created by Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended, is renamed the Plumbers and Gas Fitters Examining Board and the authority of the board is expanded to allow the board to examine, certify, and regulate plumbers, gas fitters, and medical gas piping fitters on a statewide basis. The board may make and enforce rules adopted in accordance with Chapter 22 of Title 41, the Alabama Administrative Procedure Act.

(Acts 1987, No. 87-812, p. 1616, §2; Acts 1989, No. 89-406, p. 858, §3; Acts 1996, No. 96-795, p. 1496, §1.)

Section 34-37-3 Appointments to board; composition.

The board members serving on January 1, 2011, shall continue to serve on the board until successor board members are appointed and qualified. Appointments shall be subject to confirmation by the Senate. Commencing on March 26, 2012, as the term of office of a member serving on the board expires, the member shall continue to serve on the board until a successor board member is appointed and qualified. The Governor shall designate the length of term for each of his or her appointees not to exceed four years. The board shall always be composed of the following members: One member appointed by the Governor shall be a master plumber as defined by this chapter; one member appointed by the Governor shall be a journeyman plumber as defined by this chapter; one member appointed by the Governor shall be a registered professional engineer licensed as such by the State Board of Registration of Professional Engineers and Land Surveyors as provided in Article 2 of Chapter 11 of this title, or any subsequent act relating to the licensing of professional engineers; one member appointed by the Governor shall be a municipal or county building official; one member appointed by the Governor shall be a master gas fitter as defined in this chapter; one member appointed by the Governor shall be a journeyman gas fitter as defined in this chapter; and one member appointed by the Governor shall be appointed from the public at large. The member representing the public at large shall not be engaged or otherwise connected to the plumbing or gas industry or the installation of plumbing or gas work nor connected with any person, firm, or corporation handling or dealing in material, fixtures, or appliances connected with plumbing or gas work.

Each member of the board shall be a citizen of this state and the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(Acts 1987, No. 87-812, p. 1616, §3; Acts 1989, No. 89-406, p. 858, §3; Acts 1996, No. 96-797, p. 1502, §3; Act 2000-230, p. 365, §3; Act 2008-148, p. 240, §3; Act 2010-147, p. 213, §3; Act 2012-101, p. 173, §3.)

Section 34-37-4 Meetings, compensation, and expenses of board.

(a) The board shall meet when necessary for the proper performance of its duties, but in no case less than once a year. Meetings shall be held at places in the state as the board deems necessary. At its first meeting next following May 2, 1989, and every two years thereafter, the board shall organize itself by electing from its membership a chair, vice-chair, and a recording secretary. The board shall appoint, employ, or contract with an executive director for the board, and may appoint, employ, or contract with a deputy director, neither of whom shall be subject to the state Merit System. The executive director shall serve as treasurer of the board, but the deputy director may serve as treasurer of the board in the absence of the executive director or when otherwise directed by the board. In addition to any other duties, the deputy director may serve as a hearing officer for the board in any license proceeding pursuant to Section 34-37-12. The executive director and the deputy director shall not be a member of the board and shall not be engaged or otherwise connected with the plumbing or gas fitting industry. The board shall set the compensation of the executive director and the deputy director in accordance with regulations of the State Personnel Board. Four members of the board shall constitute a quorum for transacting business. Each member of the board shall receive as compensation for services the sum of two hundred dollars (\$200) per day for each day spent in active service for the board. In addition to per diem compensation, each board member shall be reimbursed for any necessary expense incurred in performing duties as a board member. The expenses allowable to each board member shall not exceed the per diem amount of state travel expenses allowed by law, from time to time, for state employees traveling on state business. Employees of the board shall also be entitled to reimbursement for traveling expenses incurred when traveling on official board business at the rate for state employees traveling on state business. The board may employ or contract for stenographic or clerical help and compliance officers when needed, and may purchase necessary office supplies, equipment, and services.

(b) The compensation and expense provided for in this section, and all other authorized expenses, shall be payable solely from fees collected by or on behalf of the board. In no event shall any expense incurred by the board be charged against any funds of the State of Alabama other than the funds collected under this chapter.

(Acts 1987, No. 87-812, p. 1616, §4; Acts 1989, No. 89-406, p. 858, §3; Acts 1995, No. 95-212, p. 347, §1; Acts 1997, No. 97-718, p. 1488, §1.)

Section 34-37-5 Deposit and disbursement of funds; bond of the executive director and deputy director.

(a) There is established a separate special revenue trust fund in the State Treasury to be known as the Alabama Plumbers and Gas Fitters Examining Board Fund. All receipts collected by the board under this chapter shall be deposited in this fund and used only to carry out this chapter. The fund shall be disbursed only by warrant of the state Comptroller upon the State Treasury upon itemized vouchers approved by the executive director of the board or, in the absence of the executive director, by the deputy director. No funds shall be withdrawn or expended except as

budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, as amended, and only in amounts as stipulated in the general appropriation bill or other appropriation bills. Any funds unspent and unencumbered at the end of each fiscal year that exceed 25 percent of the board's budget for the previous fiscal year shall be transferred to the State General Fund.

(b) The executive director and the deputy director of the board shall, before entering upon the duties of their office, make and file with the Secretary of State an official bond in the sum of five thousand dollars (\$5,000), unless covered by the state blanket bond. The appropriate premiums on the bond shall be paid out of the funds of the board, and the bond shall be executed by an approved bonding fidelity or guaranty company qualified to do business in Alabama and acceptable to the Secretary of State.

(Acts 1987, No. 87-812, p. 1616, §5; Acts 1989, No. 89-406, p. 858, §3; Acts 1995, No. 95-212, p. 347, §1; Acts 1996, No. 96-712, p. 1186, §1; Acts 1996, No. 96-797, p. 1503, §3.)

Section 34-37-6 Certification, registration, and examination.

(a) It shall be unlawful for any person, firm, or corporation to purchase a business license or to do or perform, or to contract, direct, or superintend any plumbing, gas fitting, or medical gas piping within any incorporated city or town or county of this state unless the person has first received a certificate of competency, hereinafter referred to as "certificate," that is in force and effect at the time the plumbing, gas fitting, or medical gas piping is done, directed, or superintended, except as hereinafter provided.

(b) The board shall register every person who may apply for an apprentice plumber or gas fitter registration certificate upon forms provided by the board, upon first paying all prescribed fees.

(c) The board shall examine and pass upon the qualification of every person who applies for a journeyman's plumber or gas fitter certificate upon forms provided by the board. An applicant for examination for a journeyman's plumber or gas fitter certificate shall submit proof that the applicant has two years of work experience as an apprentice plumber or gas fitter or has completed an apprentice training program approved by the board. Applicants for journeyman plumber or gas fitter shall be examined, orally or in writing, upon the fundamentals of plumbing or gas fitting, the theory and practice of plumbing installation and construction or gas fitting work, and the experience and ability of the applicant in practical plumbing installation and construction or gas fitting work. If the applicant is found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction or gas fitting work, and sufficient experience and ability in plumbing installation and construction or gas fitting work to safely and competently apply that knowledge and practice, the board shall issue a certificate, upon the applicant first paying all prescribed fees. The examination shall be administered by an independent examining agency.

(d) The board shall examine and pass upon the qualifications of every person who applies for a master's plumber or gas fitter certificate upon forms provided by the board.

(1) Applicants for examination for a master plumber certificate shall submit proof to the board that the applicant has at least one year of work experience as a journeyman plumber.

(2) Applicants for examination for a master gas fitter's certificate shall submit proof to the board that the applicant has at least one year of work experience as a journeyman gas fitter.

(3) An applicant for a master's certificate shall be examined upon knowledge, training, and ability, in the planning, laying out, and supervision of plumbing installation and construction work or gas fitting work, and if found to possess those qualifications, the applicant shall be issued a master's plumber or gas fitter certificate by the board.

(e) No person shall be issued a certificate without passing the prescribed examination. A person who has passed the examination shall not be required to take the examination thereafter in order to secure a certificate in subsequent years. At least four examinations per year shall be conducted, at a time and place prescribed by the board after reasonable notice.

(f) Any master plumber, master gas fitter, journeyman plumber, or journeyman gas fitter performing medical gas piping shall provide proof to the board that he or she has successfully completed a current medical gas piping certification program approved by the board. The approval by the board shall be indicated by endorsement as a medical gas piping fitter on his or her certificate. Any journeyman performing medical gas piping shall work under the direction of a master plumber or master gas fitter whose certificate entitles him or her to install medical gas piping.

(g) An applicant for any type of certification shall be a United States citizen or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(Acts 1987, No. 87-812, p. 1616, §6; Acts 1988, No. 88-132, p. 190, §3; Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3; Acts 1995, No. 95-212, p. 347, §1; Acts 1996, No. 96-795, p. 1496, §1; Acts 1997, No. 97-718, p. 1488, §1; Act 2008-148, p. 240, §3.)

Section 34-37-7 Reexamination.

Any person who fails to pass an examination may, upon reapplication and payment of the regular examination fee, be reexamined at any subsequent examination given by the board.

(Acts 1987, No. 87-812, p. 1616, §7; Acts 1989, No. 89-406, p. 858, §3.)

Section 34-37-8 Renewals; acceptance and inspection of certificate.

(a) Any person who holds a certificate issued by the board shall be issued statewide certification upon the renewal of their existing certificate.

(b) Any certificate issued by the board shall be acceptable by any city, town, or county in the state and any existing local statute or ordinance contrary to this section is repealed, and no other competency certification or examination shall be required of plumbers, gas fitters, or medical gas piping fitters by any local governmental entity.

(c) Any current registration or annual certificate issued to any person by the board shall be in possession of the person at any time he or she engages in or proposes to engage as a master, journeyman, or apprentice plumber, gas fitter, or medical gas piping fitter, as the case may be, and upon request he or she shall make the certificate or registration available for inspection and identification by any person or persons for whom he or she engages or proposes to engage as such, and for identification by plumbing, gas, or other authorized enforcement personnel of any governmental entity, board, or agency when requested.

(Acts 1987, No. 87-812, p. 1616, §8; Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3; Acts 1996, No. 96-795, p. 1496, §1.)

Section 34-37-9 Fees; reissuance fees; exceptions.

The board shall set the necessary fees to administer the requirements of this chapter and when adopted, such fee schedule shall be in lieu of any fee schedule heretofore prescribed by the board. The board shall not change the fee schedule to be effective in the middle of a calendar year.

The certificates provided for herein shall be issued by the board upon the payment of the prescribed fees. All annual certificates shall expire on December 31 of the year in which they are

issued. The certificate fees herein prescribed shall be in addition to all privilege or license taxes otherwise levied. Certificates renewed after December 31 shall include the late renewal penalty established by the board.

All applicants requesting replacement of lost or stolen certificates shall be required to pay a \$5 reissuance fee based on the regular fee schedule.

All persons serving in the armed forces will not be required to pay any back years for a renewal certificate during the calendar year he or she is released from active military duty. All other persons shall pay back years unless proof satisfactory to the board is furnished indicating that the individual was not employed in such years in the plumbing or gas fitting trade.

(Acts 1987, No. 87-812, p. 1616, §9; Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3.)

Section 34-37-10 Temporary certificate.

The board may issue a temporary revocable certificate for journeyman classification one time only to any person pending such person's examination for a certificate, if such person furnishes satisfactory proof that he or she holds a license or certificate to practice as a journeyman plumber or gas fitter in any state wherein plumbers and gas fitters are required to meet prescribed standards before engaging in the trade of journeyman plumber or gas fitter. Any such temporary certificate during the effective period thereof shall have the force and effect of an annual certificate; but no such temporary certificate shall be effective for a period of more than 90 days from the issuance thereof, or until the next examination, whichever is longer. Prior to receiving any such temporary certificate, the applicant therefor shall be required to pay to the board one half of the annual certificate fee provided for journeyman plumber or gas fitter, as the case may be. Additional test dates for master plumber and master gas fitter examinations may be given at the discretion of the board.

(Acts 1987, No. 87-812, p. 1616, §10; Acts 1989, No. 89-406, p. 858, §3.)

Section 34-37-11 Reciprocal agreements.

The board may establish reciprocal agreements with any other state licensing or certifying board which recognizes, as a minimum, the standards prescribed by the board, and may allow certified plumbers and gas fitters to receive a license in this state without taking examinations if such plumber or gas fitter is licensed in the reciprocating state.

(Acts 1987, No. 87-812, p. 1616, §11.)

Section 34-37-12 Revocation of certificates.

The board may revoke or suspend any certificate if obtained through concealment, misstatement, or misrepresentation of any material fact in the application for such certificate, or for a willful violation of any law or ordinance pertaining to the business of the holder of such certificates.

Before a certificate may be revoked, the holder thereof shall have notice in writing, enumerating the charges against him or her, and be entitled to a hearing by the board not sooner than five days from receipt of notice. The holder of such certificate shall be given an opportunity to present testimony, oral or written, and right of cross-examination and representation by counsel. All testimony shall be given under oath. The board shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses.

The decision of the board shall be based on the evidence produced at the hearing and made a part of the record thereof. The person whose certificate has been revoked shall not be permitted to apply for a license for one year from the date of revocation.

Hearings shall be conducted by a hearing officer appointed by the board. The hearing officer may be a board member, the executive director, or such other person as the board may deem fit and proper to hold such hearing. The testimony adduced at the hearing, along with all other proceedings, shall be taken down by a competent stenographer and shall be preserved as a record of the board and shall be open to the public inspection at all reasonable times. A copy of the record so adduced shall be furnished to each member of the board, and no license shall be revoked unless a majority of the board members concur with the revocation of same.

No annual certificate shall be issued to any certificate holder whose certificate shall have been revoked by the board after such hearing until one year from and after the date of such revocation unless the certificate holder whose certificate shall have been so revoked shall enter into a bond with good and sufficient surety in the penal sum of \$1,000 to faithfully comply with the provisions of this chapter and of all rules and regulations and codes adopted by the board, provided, however, that such certificate holder whose certificate shall be so revoked may within five days after such revocation appeal from the board's decision or revocation to the circuit court of the county in which the certificate holder resides, does business, or is employed.

(Acts 1987, No. 87-812, p. 1616, §12; Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3.)

Section 34-37-13 Master plumber's and gas fitter's bond.

In order to protect the public from damages arising from plumbing and gas fitting or plumbing work and gas fitting work failing to comply with the requirements of any state laws applicable thereto, or with the ordinances of any municipal corporation applicable thereto, it is hereby provided that before any person engages in the business of master plumber or master gas fitter, he or she shall execute and deposit with the judge of probate in the county of his or her principal place of business a bond in the sum of \$2,000. Such bond shall be a cash bond of \$2,000 or executed by a surety authorized and qualified to write surety bonds in the State of Alabama, and shall be approved by the probate judge. Such bond shall be conditioned upon all plumbing and gas fitting work done or supervised by such master plumber or master gas fitter complying with the provisions of any laws or ordinances relating to plumbing and gas fitting and applicable thereto. Action on such bond may be brought against the principal and surety thereon in the name of, and for the benefit of, any person who suffers damages as a consequence of the master plumber's or master gas fitter's work not conforming to the requirements of any laws or ordinances pertaining to plumbing and gas fitting and applicable thereto, provided, however, that the aggregate liability of the surety to all persons so damaged shall, in no event, exceed the sum of the bond.

(Acts 1987, No. 87-812, p. 1616, §13.)

Section 34-37-14 Wrongful use of certificate; notification of address; inactive status affidavit.

(a) No person who has obtained a certificate shall allow his or her name to be used by another person, either for the purpose of obtaining permits, or doing business or work under his or her certificate; and every person certified shall notify the board of the address of his or her place of business and the name under which such business is carried on, and shall give immediate notice to the board of any change in either.

(b) Before any person certified by the board engages in the business of master plumber and/or master gas fitter, he or she shall notify the board of the address of the place of business he or she engages in as such and the name under which such business is carried on and shall give

immediate notice of any change in either. All information required by this section shall be furnished on a business certification form furnished by the board.

(c) Any certified master plumber or master gas fitter who desires to renew his or her annual certificate but does not intend to engage as a master shall complete an inactive status affidavit obtained from the board.

(Acts 1987, No. 87-812, p. 1616, §14; Acts 1989, No. 89-406, p. 858, §3.)

Section 34-37-15 Acts, works, and conduct permitted, without license; applicability of chapter.

(a) The following acts, work, and conduct may be performed by anyone, without license or certificate, provided, however, that all work and services herein named or referred to shall be subject to an inspection and approval in accordance with the terms of all state laws and applicable municipal ordinances:

(1) Gas fitting work done by anyone who is regularly employed or acting as a maintenance man acting under the supervision of a maintenance engineer or maintenance engineer incidental to and in connection with the business in which he or she is employed and engaged, provided the gas fitting work is done on the premises of the employer, and who does not engage in the occupation of a plumber or gas fitter for the general public.

(2) Maintenance and reinstallation work done upon the premises or equipment of a railroad, other businesses or industry, by an employee thereof who does not engage in the occupation of a plumber or gas fitter for the general public.

(3) Plumbing or gas fitting work done by persons engaged by any public utility company in the laying, maintenance, and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal, and renovation of all types of appurtenances, equipment, and appliances, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of a trap or alter gas piping on consumer side of meter.

(4) Appliances or fixture installations and service work done in connecting appliances or fixtures to existing piping installations.

(b) Any person may install washing machines to existing piping installation or waste lines, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of the trap.

(c) This chapter shall not apply to any natural gas utility company having fewer than 350 employees that is regulated by the Alabama Public Service Commission.

(d) This chapter does not apply to any plumbing work done by a property owner in or about a building owned or occupied by him or her, or plumbing work done by anyone who is regularly employed by the property owner to provide maintenance or other repair services if the work is incidental to and in connection with the property for which he or she is employed and engaged and is done on the premises of the employer.

(Acts 1987, No. 87-812, p. 1616, §15; Acts 1988, 1st Ex. Sess., No. 88-918, p. 512, §1(7); Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3; Act 2011-152, p. 282, §3.)

Section 34-37-16 Restrictions.

(a) No person shall use nor allow their certificate to enable anyone other than the certificate holder and his or her employees directly supervised by the certificate holder to perform plumbing or gas fitting. Local officials may require the certificate holder to be present if any problems develop on the work.

(b) No certificate issued by the board can be sold or transferred. Any certificate which is misused may be revoked by the board.

(Acts 1987, No. 87-812, p. 1616, §16; Acts 1989, No. 89-406, p. 858, §3.)

Section 34-37-17 Violation; penalty.

It shall be unlawful for any person to violate any provision of this chapter regulating plumbers, gas fitters, or medical gas piping fitters. Any person convicted of such violation shall be punished as prescribed for a Class B misdemeanor.

(Acts 1987, No. 87-812, p. 1616, §17; Acts 1989, No. 89-406, p. 858, §3; Acts 1996, No. 96-795, p. 1496, §1.)

Section 34-37-18 Repealer.

All laws or parts of laws which conflict with this act are hereby repealed and Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), is hereby specifically repealed.

(Acts 1987, No. 87-812, p. 1616, §18; Acts 1989, No. 89-406, p. 858, §3.)

Act 2015-496

1 SB307
2 166394-3
3 By Senator Allen
4 RFD: Governmental Affairs
5 First Read: 31-MAR-15

ACT No. 2015 - 496



1 SB307

2
3
4 ENROLLED, An Act,

5 Relating to the State of Alabama Plumbers and Gas
6 Fitters Examining Board and the practices and persons
7 regulated by the board; to amend Sections 34-37-1, 34-37-2,
8 34-37-4, 34-37-5, 34-37-6, 34-37-8, 34-37-9, 34-37-11,
9 34-37-12, 34-37-14, 34-37-15, and 34-37-17, Code of Alabama
10 1975; relating to defined terms, powers of the board to
11 advertise and promote the professions; board hearings; to
12 authorize the Alabama Home Builders Foundation; provide
13 further for prohibited activities and disciplinary powers of
14 the board; recognize registrations of the board; provide fees
15 for reciprocal agreements; provide for inactive status of
16 certified and registered individuals; provide further for
17 exempted activity; to repeal Sections 34-37-10 and 34-37-13,
18 Code of Alabama 1975, relating to temporary certificates and
19 bonding requirements; and to add Section 34-37-17.1, relating
20 to records of the board and confidentiality of records.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 34-37-1, 34-37-2, 34-37-4,
23 34-37-5, 34-37-6, 34-37-8, 34-37-9, 34-37-11, 34-37-12,
24 34-37-14, 34-37-15, and 34-37-17, Code of Alabama 1975, are
25 hereby amended to read as follows:

1 "§34-37-1.

2 "For purposes of this chapter, the following terms
3 shall have meanings respectively ascribed to them herein
4 unless the context clearly requires a different meaning:

5 "(1) APPRENTICE GAS FITTER OR PLUMBER. A person
6 other than a master or journeyman gas fitter or plumber, who
7 is engaged in learning and assisting in the installation of
8 gas pipe, equipment, apparatus, and appliances, and shall work
9 directly under the supervision of a journeyman or master gas
10 fitter or plumber, and who has successfully fulfilled the
11 registration requirements of the board and has been duly
12 registered by the board as such for the current year. The
13 apprentice shall have in his or her possession a current
14 annual certificate. The certificate shall be available for
15 inspection on request.

16 "(2) BOARD. The State of Alabama Plumbers and Gas
17 Fitters Examining Board as renamed by this chapter. The board
18 shall examine, certify, and regulate plumbers, gas fitters,
19 and medical gas piping fitters on a statewide basis pursuant
20 to this chapter.

21 "(3) CERTIFICATION. The process of testing at the
22 state level to determine the knowledge and skill of an
23 individual with respect to plumbing and gas fitting, and the
24 issuing of certificates to indicate that an individual has
25 passed the examination.

1 "(4) GAS FITTING, GAS SYSTEMS, or GAS WORK. The
2 installation, repair of pipes, fixtures, fittings, appliances,
3 or apparatus necessary for supplying natural gas for
4 residential or commercial use from the point of delivery and
5 all gas piping before connection to the combustion zone and
6 including the applicable venting of flue gases to the outside
7 atmosphere and the provisions for air for combustion and
8 ventilation, including all gas fitting work further defined by
9 any board rules and all codes currently adopted by the board.
10 This chapter shall not be construed to prevent any contractor
11 certified by the Alabama Board of Heating, ~~and~~ Air
12 Conditioning, and Refrigeration Contractors from installing,
13 replacing, or performing service or repair on natural gas
14 fired air heating/cooling appliances, excluding piping to them
15 provided the installing contractor has a valid certificate
16 issued by the Alabama Board of Heating, ~~and~~ Air Conditioning,
17 and Refrigeration Contractors.

18 "(5) JOURNEYMAN GAS FITTER. ~~A person~~ Every person
19 who engages in or works at the actual installation, repair, or
20 replacement of gas work, who has successfully fulfilled the
21 examination requirements of the board, has been issued a
22 journeyman gas fitter certificate by the board, and possesses
23 a valid and current annual certificate issued by the board.
24 The journeyman gas fitter shall have in his or her possession

1 a current annual certificate. The certificate shall be
2 available for inspection on request.

3 "(6) JOURNEYMAN PLUMBER. ~~A person~~ Any person who
4 engages in or works at the actual installation, repair, or
5 replacement of plumbing systems, who has successfully
6 fulfilled the examination requirements of the board, has been
7 issued a journeyman plumber certificate by the board, and
8 possesses a valid and current annual certificate issued by the
9 board. The journeyman plumber shall have in his or her
10 possession a current annual certificate. The certificate shall
11 be available for inspection on request.

12 "(7) MASTER GAS FITTER. ~~Any person engaged in or~~
13 ~~proposing to engage in the business of contracting to do, or~~
14 ~~of superintending the installation, maintenance, or repair of~~
15 ~~gas systems or gas work, either or both. The individual shall~~
16 ~~qualify to be a certified master gas fitter. If the business~~
17 ~~be a firm or corporation, at least one active employee of the~~
18 ~~firm or corporation shall be a duly registered and certified~~
19 ~~master gas fitter, actively and continuously connected with~~
20 ~~the conduct of the business. The master gas fitter shall have~~
21 ~~in his or her possession a current annual certificate issued~~
22 ~~by the board. The certificate shall be available for~~
23 ~~inspection on request.~~ Any person or legal entity that engages
24 in or works at the actual installation, repair, or replacement
25 of gas systems, that has successfully fulfilled the

1 examination requirements of the board, that has been issued a
2 master gas fitter certificate by the board, and that posses a
3 valid and current annual certificate issued by the board. The
4 master gas fitter shall have in his or her possession a
5 current annual certificate. The certificate shall be available
6 for inspection on request. This person may at any time
7 register with the board as principal for any business, firm,
8 or corporation.

9 " (8) MASTER PLUMBER. ~~Any person engaged in or~~
10 ~~proposing to engage in the business of contracting to do, or~~
11 ~~of superintending the installation, maintenance, or repair of~~
12 ~~plumbing, or both. The individual shall qualify to be a~~
13 ~~certified master plumber. If the business is a firm or~~
14 ~~corporation, at least one active employee of the firm or~~
15 ~~corporation shall be a duly registered and certified master~~
16 ~~plumber, actively, continuously connected with the conduct of~~
17 ~~the business. The master plumber shall have in his or her~~
18 ~~possession a current annual certificate issued by the board.~~
19 ~~The certificate shall be available for inspection on request.~~
20 Any person or legal entity that engages in or works at the
21 actual installation, repair, or replacement of plumbing
22 systems, that has successfully fulfilled the examination
23 requirements of the board, has been issued a master plumber
24 certificate by the board, and that possess a valid and current
25 annual certificate issued by the board. The master plumber

1 shall have in his or her possession a current annual
2 certificate. The certificate shall be available for inspection
3 on request. This person may at any time register with the
4 board as principal for any business, firm, or corporation.

5 "(9) MEDICAL GAS PIPING FITTER. A master plumber or
6 master gas fitter ~~whose certificate bears an endorsement who~~
7 holds a current certificate for installation of medical gas
8 piping. A journeyman plumber, ~~or journeyman gas fitter,~~
9 apprentice plumber, or apprentice gas fitter who holds a
10 current certificate ~~whose certificate bears an endorsement~~ for
11 installation of medical gas piping shall be entitled to
12 install medical gas piping under the direction of a master
13 plumber or master gas fitter whose certificate entitles him or
14 her to install medical gas piping. An apprentice plumber or
15 apprentice gas fitter who holds a current certificate for
16 medical gas piping shall at all times be under the direct
17 supervision of either a master or journeyman who also holds a
18 current certificate. The medical gas piping fitter shall have
19 in his or her possession a current annual certificate ~~with~~
20 ~~endorsement~~ issued by the board. The certificate shall be
21 available for inspection on request.

22 "(10) MEDICAL GAS PIPING. Piping used solely to
23 transport gases used for medical purposes.

24 "(11) PLUMBING, PLUMBING SYSTEMS, or PLUMBING WORK.
25 ~~The~~ All work associated with the installation, repair, or

1 replacement of pipes, fixtures, or other apparatus necessary
2 either for supplying water or for removing liquid or
3 waterborne waste located on private property. The term is also
4 used to denote installed fixtures, backflow prevention
5 devices, drainage, vents, and water distribution systems
6 located on private property, and all plumbing work further
7 defined by board rules and all codes currently adopted by the
8 board, with the exception of work allowed by this chapter.

9 "(12) PERSON or PERSONS. Any individual, apprentice
10 plumber, apprentice gas fitter, corporation, professional
11 corporation, limited liability company, or other legal entity,
12 or any combination thereof.

13 "(13) PRINCIPAL. The individual responsible for the
14 contracting, superintending, installation, maintenance, or
15 repair of plumbing and/or gas fitting systems for any legal
16 entity, who is actively and continuously connected with the
17 conduct of the business, and is responsible to the board for
18 those responsibilities. The individual shall qualify to be a
19 certified master gas fitter or a certified master plumber, or
20 both. In addition, a principal must meet these requirements.

21 "a. At least one active employee of the legal entity
22 shall be a duly registered and certified master gas fitter or
23 plumber as defined in this section, actively and continuously
24 connected with the conduct of the business and registered with
25 the board as the principal of the business.

1 "b. The principal master gas fitter or master
2 plumber shall have in his or her possession a current annual
3 certificate issued by the board. The certificate shall be
4 available for the inspection on request.

5 "(14) REGISTRATION. The process of application with
6 the board with regard to apprentice plumbers, apprentice gas
7 fitters, all corporations, professional corporations, limited
8 liability companies and all other legal entities engaging in
9 the business of plumbing and/or gas fitting within the State
10 of Alabama.

11 "\$34-37-2.

12 "(a) The Plumbers Examining Board as created by Act
13 No. 529 of the 1949 Regular Session of the Legislature (Acts
14 1949, p. 827), as amended, is renamed the State of Alabama
15 Plumbers and Gas Fitters Examining Board and the authority of
16 the board is expanded to allow the board to examine, certify,
17 and regulate plumbers, gas fitters, and medical gas piping
18 fitters on a statewide basis. The board may make and enforce
19 rules adopted in accordance with Chapter 22 of Title 41, the
20 Alabama Administrative Procedure Act.

21 "(b) The board is authorized to expend funds for
22 purposes of public awareness of the board and its rules and
23 regulations to include advertising, promotional materials,
24 event exhibiting, and other means approved by the board.

25 "\$34-37-4.

1 "(a) The board shall meet when necessary for the
2 proper performance of its duties, but in no case less than
3 once a year. Meetings shall be held at places in the state as
4 the board deems necessary. At its first meeting next following
5 May 2, 1989, and every two years thereafter, the board shall
6 organize itself by electing from its membership a chair,
7 vice-chair, and a recording secretary. The board shall
8 appoint, employ, or contract with an executive director for
9 the board, and may appoint, employ, or contract with a deputy
10 director, neither of whom shall be subject to the state Merit
11 System. The executive director shall serve as treasurer of the
12 board, but the deputy director may serve as treasurer of the
13 board in the absence of the executive director or when
14 otherwise directed by the board. ~~In addition to any other~~
15 ~~duties, the deputy director may serve as a hearing officer for~~
16 ~~the board in any license proceeding pursuant to Section~~
17 ~~34-37-12.~~ The executive director and the deputy director shall
18 not be a member of the board and shall not be engaged or
19 otherwise connected with the plumbing or gas fitting industry.
20 The board shall set the compensation of the executive director
21 and the deputy director in accordance with regulations of the
22 State Personnel Board. Four members of the board shall
23 constitute a quorum for transacting business. Each member of
24 the board shall receive as compensation for services the sum
25 of two hundred dollars (\$200) per day for each day spent in

1 active service for the board. In addition to per diem
2 compensation, each board member shall be reimbursed for any
3 necessary expense incurred in performing duties as a board
4 member. The expenses allowable to each board member shall not
5 exceed the per diem amount of state travel expenses allowed by
6 law, from time to time, for state employees traveling on state
7 business. Employees of the board shall also be entitled to
8 reimbursement for traveling expenses incurred when traveling
9 on official board business at the rate for state employees
10 traveling on state business. The board may employ or contract
11 for stenographic or clerical help and compliance officers when
12 needed, and may purchase necessary office supplies, equipment,
13 and services.

14 "(b) The compensation and expense provided for in
15 this section, and all other authorized expenses, shall be
16 payable solely from fees collected by or on behalf of the
17 board. In no event shall any expense incurred by the board be
18 charged against any funds of the State of Alabama other than
19 the funds collected under this chapter.

20 "\$34-37-5.

21 "(a) There is established a separate special revenue
22 trust fund in the State Treasury to be known as the State of
23 Alabama Plumbers and Gas Fitters Examining Board Fund. All
24 receipts collected by the board under this chapter shall be
25 deposited in this fund and used only to carry out this

1 chapter. The fund shall be disbursed only by warrant of the
2 state Comptroller upon the State Treasury upon itemized
3 vouchers approved by the executive director of the board or,
4 in the absence of the executive director, by the deputy
5 director. No funds shall be withdrawn or expended except as
6 budgeted and allotted according to Sections 41-4-80 to
7 41-4-96, inclusive, as amended, and only in amounts as
8 stipulated in the general appropriation bill or other
9 appropriation bills. ~~Any funds unspent and unencumbered at the~~
10 ~~end of each fiscal year that exceed 25 percent of the board's~~
11 ~~budget for the previous fiscal year shall be transferred to~~
12 ~~the State General Fund. All money remaining at the end of the~~
13 fiscal year which exceeds 25 percent of the board's budget for
14 the previous year shall be transferred to the 501(c)(3)
15 nonprofit Alabama Home Builders Foundation to be used
16 exclusively for classroom training tools at educational
17 facilities that provide plumbing and gas fitting curriculums
18 to include any program approved or accredited by the State of
19 Alabama, the United States federal government, or the board.
20 If at any time the Alabama Home Builders Foundation should
21 lose its nonprofit status, those funds shall be transferred to
22 the State General Fund.

23 "(b) The executive director and the deputy director
24 of the board shall, before entering upon the duties of their
25 office, make and file with the Secretary of State an official

1 bond in the sum of five thousand dollars (\$5,000), unless
2 covered by the state blanket bond. The appropriate premiums on
3 the bond shall be paid out of the funds of the board, and the
4 bond shall be executed by an approved bonding fidelity or
5 guaranty company qualified to do business in Alabama and
6 acceptable to the Secretary of State.

7 "§34-37-6.

8 "(a) It shall be unlawful for any person, ~~firm, or~~
9 ~~corporation to purchase a business license or to do or~~
10 ~~perform, or to contract, direct, or superintend any or other~~
11 legal entity to contract, engage in, offer to engage, or
12 convey the impression that he or she is certified in plumbing,
13 gas fitting, or medical gas piping within ~~any incorporated~~
14 ~~city or town or county of this state~~ the State of Alabama
15 unless the person has first registered or received a
16 certificate of competency, hereinafter referred to as
17 "certificate," that is in force and effect at the time the
18 plumbing, gas fitting, or medical gas piping is ~~done~~ offered,
19 performed, directed, or superintended, except as hereinafter
20 provided.

21 "(b) The board shall register all legal entities
22 engaging in, or offering to engage in, plumbing, gas fitting,
23 or medical gas piping in the State of Alabama upon forms
24 provided by the board, and upon the applicant first paying all
25 prescribed fees. Disciplinary action for the registered legal

1 entities may be the same as for certified individuals engaged
2 in plumbing, gas fitting, or medical gas piping.

3 "(c) The business name which is registered with the
4 board for each legal entity engaged in plumbing, gas fitting,
5 or medical gas piping shall be displayed in a prominent manner
6 on two sides of each service or construction vehicle. The
7 lettering shall be a minimum of two inches in height.

8 "(b) (d) The board shall register every person who
9 may apply for an apprentice plumber or gas fitter registration
10 certificate upon forms provided by the board, upon the
11 applicant first paying all prescribed fees.

12 "(c) (e) The board shall examine and pass upon the
13 qualification of every person who applies for a ~~journeyman's~~
14 journeyman plumber or gas fitter certificate upon forms
15 provided by the board.

16 "(1) An applicant for examination for a ~~journeyman's~~
17 journeyman plumber or gas fitter certificate shall submit
18 proof that the applicant has two years of current work
19 experience as an apprentice plumber or gas fitter or has
20 completed an apprentice training program approved by the
21 board.

22 "(2) Applicants for journeyman plumber or gas fitter
23 shall be examined, orally or in writing, upon the fundamentals
24 of plumbing or gas fitting, the theory and practice of
25 plumbing installation and construction or gas fitting work,

1 and the experience and ability of the applicant in practical
2 plumbing installation and construction or gas fitting work.

3 "(3) If the applicant is found to possess an
4 accurate knowledge of the theory and correct practice of
5 plumbing installation and construction or gas fitting work,
6 and sufficient experience and ability in plumbing installation
7 and construction or gas fitting work to safely and competently
8 apply that knowledge and practice, the board shall issue a
9 certificate, upon the applicant first paying all prescribed
10 fees.

11 "(4) The examination shall be administered by an
12 independent examining agency.

13 "~~(d)~~ (f) The board shall examine and pass upon the
14 qualifications of every person who applies for a ~~master's~~
15 master plumber or gas fitter certificate upon forms provided
16 by the board.

17 "(1) Applicants for examination for a master plumber
18 certificate shall submit proof to the board that the applicant
19 has at least one year of current work experience as a
20 journeyman plumber.

21 "(2) Applicants for examination for a master gas
22 ~~fitter's~~ fitter certificate shall submit proof to the board
23 that the applicant has at least one year of current work
24 experience as a journeyman gas fitter.

1 "(3) An applicant for a ~~master's~~ master certificate
2 shall be examined upon knowledge, training, and ability, in
3 the planning, laying out, and supervision of plumbing
4 installation and construction work or gas fitting work, and if
5 found to possess those qualifications, the applicant shall be
6 issued a ~~master's~~ master plumber or gas fitter certificate by
7 the board upon the applicant first paying all prescribed fees.

8 "(4) The examination shall be administered by an
9 independent examining agency.

10 "~~(e)~~ (g) No person shall be issued a certificate
11 without passing the prescribed examination. A person who has
12 passed the examination must become certified within 90
13 calendar days and shall not be required to take the
14 examination thereafter in order to secure a certificate in
15 subsequent years. An individual who passes the examination but
16 fails to become certified within 90 calendar days shall be
17 required to retake the examination. At least four examinations
18 per year shall be conducted, at a time and place prescribed by
19 the board after reasonable notice.

20 "~~(f)~~ (h) Any master plumber, master gas fitter,
21 journeyman plumber, ~~or~~ journeyman gas fitter, apprentice
22 plumber, or apprentice gas fitter performing medical gas
23 piping shall provide proof to the board that he or she has
24 successfully completed a current medical gas piping
25 certification program approved by the board. ~~The approval by~~

1 ~~the board shall be indicated by endorsement as a medical gas~~
2 ~~piping fitter on his or her certificate. Any journeyman~~
3 ~~performing medical gas piping shall work under the direction~~
4 ~~of a master plumber or master gas fitter whose certificate~~
5 ~~entitles him or her to install medical gas piping.~~

6 ~~"(g) An applicant for any type of certification~~
7 ~~shall be a United States citizen or, if not a citizen of the~~
8 ~~United States, a person who is legally present in the United~~
9 ~~States with appropriate documentation from the federal~~
10 ~~government.~~

11 "§34-37-8.

12 "(a) Any person who holds a certificate issued by
13 the board shall be issued statewide certification upon the
14 annual renewal of their existing certificate.

15 "(b) Any certificate issued by the board shall be
16 acceptable by any city, town, or county in the state and any
17 existing local statute or ordinance contrary to this section
18 is repealed, and no other competency certification or
19 examination shall be required of plumbers, gas fitters, or
20 medical gas piping fitters by any local governmental entity.

21 "(c) Any current registration or annual certificate
22 issued to any ~~person~~ individual by the board shall be in
23 possession of the ~~person~~ individual at any time he or she
24 engages in or proposes to engage as a master, journeyman, or
25 apprentice plumber, gas fitter, or medical gas piping fitter,

1 as the case may be, and upon request he or she shall make the
2 certificate or registration available for inspection and
3 identification by any person or persons for whom he or she
4 engages or proposes to engage as such, and for identification
5 by plumbing, gas, or other authorized enforcement personnel of
6 any governmental entity, board, or agency when requested.

7 "§34-37-9.

8 "The board shall set the necessary fees to
9 administer the requirements of this chapter and when adopted,
10 such fee schedule shall be in lieu of any fee schedule
11 heretofore prescribed by the board. The board shall not change
12 the fee schedule to be effective in the middle of a calendar
13 year.

14 "The certificates or registrations provided for
15 herein shall be issued by the board upon the payment of the
16 prescribed fees. All annual certificates or registrations
17 shall expire on December 31 of the year in which they are
18 issued. The certificate fees herein prescribed shall be in
19 addition to all privilege or license taxes otherwise levied.
20 Certificates or registrations renewed after December 31 shall
21 include the late renewal penalty established by the board.

22 "All applicants requesting replacement of lost or
23 stolen certificates shall be required to pay a \$5 reissuance
24 fee based on the regular fee schedule.

1 "All ~~persons~~ individuals serving in the armed forces
2 will not be required to pay any back years for a renewal
3 certificate during the calendar year he or she is released
4 from active military duty.

5 "All other ~~persons~~ individuals shall pay back years
6 and prescribed penalties as set forth by rules of the board.
7 ~~unless proof satisfactory to the board is furnished indicating~~
8 ~~that the individual was not employed in such years in the~~
9 ~~plumbing or gas fitting trade.~~

10 "Any requests for waiver of back years and penalties
11 shall be reviewed and considered by the board. The board shall
12 vote to approve or disapprove each request.

13 "§34-37-11.

14 "The board may establish reciprocal agreements with
15 any other state licensing or certifying board which
16 recognizes, as a minimum, the standards prescribed by the
17 board, and may allow certified plumbers and gas fitters to
18 receive a ~~license~~ certificate in this state without taking
19 examinations if ~~such~~ the plumber or gas fitter is currently
20 licensed in the reciprocating state and upon the payment of
21 the prescribed fees.

22 "§34-37-12.

23 "The board may revoke or suspend any certificate or
24 registration if obtained through concealment, misstatement, or
25 misrepresentation of any material fact in the application for

1 such certificate. ~~, or for a willful~~ The board may discipline
2 any person as defined in Section 34-37-1 for a violation of
3 any law or ordinance pertaining to the business of the holder
4 ~~of such certificates.~~ and may impose fines, administrative
5 fees, or penalties not to exceed two thousand dollars \$2,000
6 for each violation. The board may also order restitution.
7 Before a certificate or registration may be suspended or
8 revoked, the holder thereof shall have notice in writing,
9 enumerating the charges against him or her, and be entitled to
10 a hearing by the board not sooner than five days from receipt
11 of notice. The holder of such certificate or registration
12 shall be given an opportunity to present testimony, oral or
13 written, and right of cross-examination and representation by
14 counsel. All testimony shall be given under oath. The board
15 shall have power to administer oaths, issue subpoenas, and
16 compel the attendance of witnesses.

17 "The decision of the board shall be based on the
18 evidence produced at the hearing and made a part of the record
19 thereof. The board may suspend any certificate or registration
20 up to one year or may revoke the certificate or registration.
21 The person whose certificate or registration has been revoked
22 shall not be permitted to apply for a ~~license~~ certificate or
23 registration for one year from the date of revocation. No
24 certification or registration shall be suspended or revoked
25 unless the majority of the board members concur. Board

1 procedure shall be the same as defined in the Alabama
2 Administrative Procedure Act, Chapter 22 of Title 42. The
3 board may establish additional procedures as needed, provided
4 that any additional procedures are published and made public
5 and are not in conflict with state law.

6 ~~"Hearings shall be conducted by a hearing officer~~
7 ~~appointed by the board. The hearing officer may be a board~~
8 ~~member, the executive director, or such other person as the~~
9 ~~board may deem fit and proper to hold such hearing. The~~
10 ~~testimony adduced at the hearing, along with all other~~
11 ~~proceedings, shall be taken down by a competent stenographer~~
12 ~~and shall be preserved as a record of the board and shall be~~
13 ~~open to the public inspection at all reasonable times. A copy~~
14 ~~of the record so adduced shall be furnished to each member of~~
15 ~~the board, and no license shall be revoked unless a majority~~
16 ~~of the board members concur with the revocation of same.~~

17 ~~"No annual certificate shall be issued to any~~
18 ~~certificate holder whose certificate shall have been revoked~~
19 ~~by the board after such hearing until one year from and after~~
20 ~~the date of such revocation unless the certificate holder~~
21 ~~whose certificate shall have been so revoked shall enter into~~
22 ~~a bond with good and sufficient surety in the penal sum of~~
23 ~~\$1,000 to faithfully comply with the provisions of this~~
24 ~~chapter and of all rules and regulations and codes adopted by~~
25 ~~the board, provided, however, that such certificate holder~~

1 ~~whose certificate shall be so revoked may within five days~~
2 ~~after such revocation appeal from the board's decision or~~
3 ~~revocation to the circuit court of the county in which the~~
4 ~~certificate holder resides, does business, or is employed.~~

5 "§34-37-14.

6 "(a) No person who has obtained a certificate or
7 registration shall allow his or her name to be used by another
8 person, either for the purpose of obtaining permits, or doing
9 business or work under his or her certificate or registration;
10 and every person certified or registered shall notify the
11 board of the address of his or her residence and place of
12 business and the name under which such business is carried on,
13 and shall give ~~immediate~~ written notice within 30 days to the
14 board of any change in either.

15 "(b) Before any ~~person~~ individual certified by the
16 board engages in the business of master plumber and/or master
17 gas fitter, he or she shall notify the board of the address of
18 the place of business he or she engages in as such and the
19 name under which such business is carried on and shall give
20 ~~immediate~~ written notice within 30 days of any change in
21 either. All information required by this section shall be
22 furnished on a business certification form furnished by the
23 board.

24 "(c) Any current certified or registered individual
25 ~~master plumber or master gas fitter who desires to renew his~~

1 ~~or her annual certificate but who~~ does not intend to engage ~~as~~
 2 ~~a master~~ in the business of plumbing or gas fitting, as
 3 defined in this chapter, shall complete an inactive status
 4 affidavit obtained from the board. Any individual in inactive
 5 status must renew annually by remitting the annual inactive
 6 renewal fee set in the fee schedule.

7 "(d) Code officials who hold a certification with
 8 the board and wish to be inactive shall be exempt from all
 9 renewal fees and re-examination requirements.

10 "(3) Any individual in inactive status who wishes to
 11 reinstate active status shall complete an active status
 12 affidavit obtained from the board and remit all prescribed
 13 fees prior to re-engaging in plumbing and/or gas fitting.

14 "§34-37-15.

15 "(a) The following acts, work, and conduct may be
 16 performed by anyone, without ~~license~~ registration or
 17 certificate, provided, however, that all work and services
 18 herein named or referred to shall be subject to an inspection
 19 and approval in accordance with the terms of all state laws
 20 and applicable municipal ordinances:

21 "(1) ~~Gas-fitting~~ Plumbing work ~~done~~ performed by
 22 anyone who is regularly employed or acting as a maintenance
 23 man ~~acting under the supervision of a maintenance engineer or~~
 24 ~~maintenance engineer~~ incidental to and in connection with the
 25 business in which he or she is employed and engaged, provided

1 the ~~gas fitting~~ plumbing work is ~~done~~ performed on the
2 premises of the employer, and who does not engage in the
3 occupation of a plumber ~~or gas fitter~~ for the general public.

4 "(2) ~~Maintenance and reinstallation~~ Plumbing work
5 performed ~~done~~ upon the premises or equipment of a railroad,
6 or other businesses or industry, by an employee thereof who
7 does not engage in the occupation of a plumber ~~or gas fitter~~
8 for the general public.

9 "(3) Plumbing or gas fitting work ~~done~~ performed,
10 not on private property, with the exception of easements, by
11 persons engaged by or employed by any public utility company
12 in the laying, maintenance, and operation of its service mains
13 or lines and the installation, alteration, adjustment, repair,
14 removal, and renovation of all types of appurtenances, and
15 equipment, and appliances, provided such plumbing work does
16 not ~~necessitate tying into waste or sewer lines on the outlet~~
17 ~~side of a trap or~~ alter gas piping on consumer side of meter.

18 "(4) ~~Appliances or fixture installations and service~~
19 ~~work done in connecting appliances or fixtures to existing~~
20 ~~piping installations.~~ Any person engaged solely in the testing
21 of backflow devices is exempt from the provisions of this
22 chapter.

23 "(5) Plumbing work performed by a property owner in
24 or about a building owned or occupied by the owner.

1 ~~"(b)~~ (6) Any person may install washing machines to
2 existing piping installation or waste lines, provided such
3 plumbing work does not necessitate tying into waste or sewer
4 lines on the outlet side of the trap.

5 ~~"(c) This chapter shall not apply to any natural gas~~
6 ~~utility company having fewer than 350 employees that is~~
7 ~~regulated by the Alabama Public Service Commission.~~

8 ~~"(d)~~ (b) This chapter does not apply to any plumbing
9 work ~~done~~ performed by a property owner in or about a building
10 owned or occupied by him or her, or plumbing work ~~done~~
11 performed by anyone who is regularly employed by the property
12 owner to provide maintenance or other repair services if the
13 work is incidental to and in connection with the property for
14 which he or she is employed and engaged and is done on the
15 premises of the employer.

16 "§34-37-17.

17 "(a) The board shall have the administrative
18 authority to discipline or require a certificate holder to
19 attend training specific to violations. The board has the
20 authority to levy civil fines or penalties to any registered
21 apprentice, certificate holder, or legal entity registered by
22 the board for a violation of any provision of this chapter
23 regulating plumbers, gas fitters, or medical gas pipe fitters
24 up to two thousand dollars (\$2,000) per violation and actual
25 hearing cost.

1 "(b) In addition to or in lieu of the criminal
2 penalties and administrative sanctions provided in this
3 chapter, the board may issue an order to any person or legal
4 entity engaged in any activity, conduct, or practice
5 constituting a violation of this chapter, directing the person
6 or legal entity to forthwith cease and desist from the
7 activity, conduct, practice, or performance of any work then
8 being performed or about to be commenced.

9 "(c) It shall be unlawful for any person or legal
10 entity to violate any provision of this chapter regulating
11 plumbers, gas fitters, or medical gas piping fitters. Any
12 person convicted of such violation shall be punished as
13 prescribed for a Class ~~B~~ A misdemeanor."

14 Section 2. Section 34-37-17.1 is added to Chapter
15 37, Title 34, Code of Alabama 1975, to read as follows:

16 §34-37-17.1. Records and confidentiality.

17 (a) The board shall keep a record of its
18 proceedings.

19 (b) The records of the board shall be evidence of
20 the proceedings of the board set forth therein, and a
21 transcript thereof, duly certified by the executive director
22 of the board under seal, shall be admissible in evidence with
23 the same force and effect as if the original were produced.

24 (c) Board records and papers of the following class
25 are of a confidential nature and not public record:

1 Examination material for examinations not yet given; exam
2 scores; letters of inquiry and reference concerning
3 applicants; board inquiry forms concerning applicants; pending
4 or closed complaints and investigative files which shall
5 remain confidential until an actual formal hearing may
6 commence; and all other materials of like confidential nature.

7 Section 3. All laws or parts of laws which conflict
8 with this act are repealed, and Sections 34-37-10 and
9 34-37-13, Code of Alabama 1975, are hereby specifically
10 repealed.

11 Section 4. The provisions of this act are severable.
12 If any part of this act is declared invalid or
13 unconstitutional, that declaration shall not affect the part
14 which remains.

15 Section 5. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.

Kay Ivey

President and Presiding Officer of the Senate

Tommy Blanton

Speaker of the House of Representatives

SB307

Senate 05-MAY-15

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 04-JUN-15

By: Senator Allen

APPROVED 6-12-2015

TIME 600 AM

Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2015-496
Bill Num....: S-307

Recv'd 06/12/15 10:58am SLF

Summary of Legislative Activity

2013 – Failed

HB 265 – Sponsor: Representative Williams (J) / SB 233 – Sponsor: Senator Allen

This bill would provide further for definitions; provide that unencumbered funds be transferred to the Alabama Home Builders Foundation for classroom training; provide further for displaying business names and require master plumbers and journeymen plumbers to have current certification for installing, testing, or maintaining backflow prevention devices; provide further for renewal of certificates; provide for reissuance fees for replacement certificates; provide for certain disciplinary actions by the board; provide for posting of bonds by principal master plumbers and gas fitters; provide further for inactive status of certified plumbers and gas fitters; provide further for exempted activities and entities; and provide further for administrative and disciplinary actions by the board.

2014 – Failed

HB 143 – Sponsor: Representative Williams (J) / SB 150 – Sponsor: Senator Allen

To amend Sections 34-37-1, 34-37-2, 34-37-5, 34-37-6, 34-37-8, 34-37-9, 34-37-12, 34-37-13, 34-37-14, 34-37-15, and 34-37-17, Code of Alabama 1975; so as to provide further for defined terms, the name of the board, deposit and disbursement of funds for classroom training purposes; to provide further for certification, requirements; to provide for installing, testing, and maintaining backflow prevention devices; to provide further for fees for reissuance of lost certificates; to provide further for disciplinary actions by the board; to provide further for bonds of principal master plumbers and gas fitters; to provide for inactive certifications; to provide further for exempted actions and entities; and to provide further for disciplinary actions of the board;

2015 - Passed

Act 2015-496 (full text presented in appendix of this report)

To amend sections related to defined terms; powers of the board to advertise and promote the professions; board hearings; to authorize the Alabama Home Builders Foundation; provide further for prohibited activities and disciplinary powers of the board; recognize registrations of the board; provide fees for reciprocal agreements; provide for inactive status of certified and registered individuals; provide further for exempted activity; repeal sections 34-37-10 and 34-37-13 relating to temporary certificates and bonding requirements' and to add section 34-37-17.1, relating to records of the board and confidentiality of records.

Board Members



David H. Wilcox
Executive Director

STATE OF ALABAMA

PLUMBERS & GAS FITTERS
EXAMINING BOARD

11 WEST OXMOOR RD.
SUITE 104
BIRMINGHAM, AL 35209
PHONE (205) 945-4857
FAX (205) 945-9915
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June 17, 2015



Robert Bentley
Governor of Alabama

Mr. Daniel Dupree
State of Alabama
Department of Examiners of Public Accounts
PO Box 302251
Montgomery, AL 36130-2251

Dear Mr. Dupree:

The current Board Members for the Alabama Plumbers and Gas Fitters Examining Board are:

	<u>Expiration of Term</u>
JOHN BIMBO Birmingham, AL Position representing: Master Plumber	10/01/2015
BOBBY BULLOCH Birmingham, AL Position representing: Building official	10/01/2015
PHILLIP GUTHRIE Athens, AL Position representing: Journeyman Plumber	10/01/2015
HENRY MCCOY, RECORDING SECRETARY Montgomery, AL Position representing: Journeyman Gas Fitter	10/01/2015

CHARLES OWENBY, VICE CHAIRMAN
Eclectic, AL
Position representing:
Master Gas Fitter

10/01/2015

P.E. PILGREEN
Montgomery, AL
Position representing:
Professional Engineer

10/01/2015

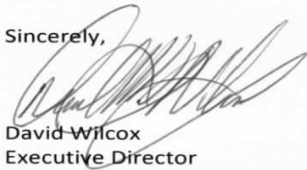
JANICE WARREN, CHAIRMAN
Albertville, AL
Position representing:
State At-Large

10/01/2015

EXECUTIVE DIRECTOR

David Wilcox
T: (205) 945-4857
F: (205) 945-9915
Davidh.wilcox@alabama.gov

Sincerely,



David Wilcox
Executive Director